

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

SD:HDM/NDB
F. #2018R00108/NY-NYE-713

★ JUN 14 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

BROOKLYN OFFICE

UNITED STATES OF AMERICA

- against -

DIEGO ZULE,
also known as "Diego Zules,"
"Diego Sule," "Diego Sulez,"
"Diego Sules" and "Diego Zula,"

Defendant.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

CR 18 - 00299
Cr. No. (T. 21, U.S.C., §§ 853(a), 853(p), 959(d),
960(b)(1)(B)(ii), 963 and 970; T. 28,
U.S.C., § 2461(c); T. 46, U.S.C., §§
70503(b), 70504(b)(1), 70506(a),
70506(b) and 70507(a); T. 18, U.S.C.,
§§ 3238 and 3551 et seq.)

ROSS, J.

TISCIONE, M.J.

COUNT ONE

(International Cocaine Distribution Conspiracy)

1. In or about and between January 2011 and March 2015, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendant DIEGO ZULE, also known as "Diego Zules," "Diego Sule," "Diego Sulez," "Diego Sules" and "Diego Zula," together with others, did knowingly and intentionally conspire and attempt to distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside thereof, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 21, United States Code, Sections 959(a) and 960(a)(3). The amount of cocaine involved in the conspiracy attributable to the defendant as a result of his own

conduct, and the conduct of other conspirators reasonably foreseeable to him, was at least five kilograms or more of a substance containing cocaine.

(Title 21, United States Code, Sections 963, 960(b)(1)(B)(ii) and 959(d); Title 18, United States Code, Sections 3238 and 3551 et seq.)

COUNT TWO

(Conspiracy to Violate the Maritime Drug Law Enforcement Act)

2. In or about March 2015, within the extraterritorial jurisdiction of the United States, the defendant DIEGO ZULE, also known as "Diego Zules," "Diego Sule," "Diego Sulez," "Diego Sules" and "Diego Zula," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance while on board a vessel subject to the jurisdiction of the United States, which offense involved a substance containing cocaine, a Schedule II controlled substance, contrary to Title 46, United States Code, Section 70503(a)(1). The amount of cocaine involved in the conspiracy attributable to the defendant as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, was at least five kilograms or more of a substance containing cocaine.

(Title 46, United States Code, Sections 70506(b), 70506(a), 70503(b) and 70504(b)(1); Title 21, United States Code, Section 960(b)(1)(B)(ii); Title 18, United States Code, Sections 3238 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

3. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count One, the government will seek forfeiture in accordance with Title 21, United States Code, Sections 853(a) and 970, which require any

person convicted of such offense to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offense, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a), 853(p) and 970)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

5. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 46, United States Code, Section 70507(a), Title 21, United States Code, Section 853(a) and Title 28, United States Code, Section 2461(c), which require the forfeiture of: (a) any property constituting, or derived from, any proceeds obtained directly or

indirectly as the result of such offense, and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p); Title 28, United States Code, Section 2461(c); Title 46, United States Code, Section 70507(a))

A TRUE BILL.

FOREPERSON

Richard P. Donoghue
RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F. # 2018R00108/ NY-NYE-713
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

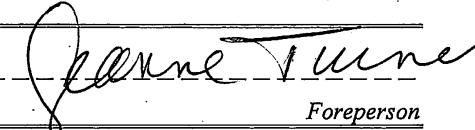
DIEGO ZULE, also known as "Diego Zules," "Diego Sule," "Diego Sulez," "Diego Sules" and "Diego Zula,"

Defendant.

INDICTMENT

(T. 21, U.S.C., §§ 853(a), 853(p), 959(d), 960(b)(1)(B)(ii), 963 and 970; T. 28, U.S.C., § 2461(c); T. 46, U.S.C., §§ 70503(b), 70504(b)(1), 70506(a), 70506(b) and 70507(a); T. 18, U.S.C., §§ 3238 and 3551 *et seq.*)

A true bill. _____



Foreperson

Filed in open court this _____ *day,*

of _____ *A.D. 20* _____

_____ *Clerk*

Bail, \$ _____

Hiral D. Mehta and Nomi D. Berenson, Assistant U.S. Attorneys
(718) 254-7000